



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,499	02/15/2001	Srinivas V. Makam	13055US01	3309

23446 7590 01/19/2007
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

AHMED, SALMAN

ART UNIT	PAPER NUMBER
----------	--------------

2616

MAIL DATE	DELIVERY MODE
-----------	---------------

01/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/784,499

Applicant(s)

MAKAM ET AL.

Examiner

Salman Ahmed

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments see pages 13-16 of the Remarks section, filed 12/26/2006, with respect to the rejections of the claims has been fully considered and are not persuasive. In regards to claims 1-26, Applicant argues that (page 13 last paragraph) neither Moy Nor Sandstrom teach forming a connection without determining usage statistics for all of the switching circuits in a SONET communications network. Applicant further adds (page 15 paragraph 2). However, Examiner respectfully disagrees with the assertion. As mentioned in the Final Office Action Moy discloses connection modify command (page 4 section 0152, non-destructive modify signal) being formed by network management system without determination usage statistics for all of switching circuits in SONET communication network (page 4 section 0152-0153, A modify signal requests the TNC to modify a bandwidth characteristic of an existing optical trail. For example, the modification signal requests that the TNC decrease an amount of bandwidth provisioned for an optical trail, or change the priority of an optical trail in relation to other connections). Moy further discloses The TNC may be configured to grant the requested modification by either changing the existing optical trail in accordance with the request or by deleting the existing optical trail and creating a new optical trail according to changes specified by the modification signal. As such it can be seen that Moy does teach forming a connection without determining usage statistics for all of the switching circuits in a SONET communications network.

In regards to claims 27, 28, 30 and 31 Applicant argues that (page 16 paragraphs 2-3) Graves does not teach "forming a virtual tributary communication connection between said first add/drop multiplexer, and said second add/drop multiplexer in response to a command from a network management system," However, the Examiner respectfully disagrees with the assertion. Moy and Graves do teach the cited limitations. Specifically, Moy teaches, forming a communication connection (page 4 section 0051, links 50, 52, 54, 56, 62, 76 and 78, where each of these internal links is an optical link such as a fiber optic cable) between first add/drop multiplexer (figure 2 elements 40, 42, 44, 46 and 48 and paragraph [0048], a plurality of transport network devices (TNDs) and second add/drop multiplexer (figure 2 elements 40, 42, 44, 46 and 48 and paragraph [0048], a plurality of transport network devices (TNDs) in response to a command from a network management system (paragraph [0104], an IUD (14) send a trail creation signal to TND (46), which in turn is sent to TND (48)); and modifying communication connection in response to a command from network management system (page 4 section 0152-0153, A modify signal requests the TNC to modify a bandwidth characteristic of an existing optical trail. For example, the modification signal request that the TNC decrease an amount of bandwidth provisioned for an optical trail, or change the priority of an optical trail in relation to other connections). Moy does not explicitly teach the connection being a virtual tributary communication connection However, Graves in the same field of endeavor teaches the connection being a virtual tributary communication connection (figure 5, and colun 2, lines 51-65, Figure 5 shows one multiplex frame of 32 virtual tributaries multiplexed together. A method of multiplexing digital signals comprising the steps of: providing p virtual tributaries each comprising t.d.m. frames of information multiplexed in accordance with the method recited above, where p is a plural integer, all of the virtual tributaries having the same t.d.m. frame period and the same number mn of time slots for m words one per channel, each of n consecutive bits; providing a predetermined synchronizing word as a predetermined one of the m words of a predetermined one of the virtual tributaries constituting a synchronizing information tributary; and multiplexing the p virtual tributaries together, one word from each virtual tributary cyclically in turn, to form a multiplexed superframe of word-interleaved virtual tributaries).

As such claims 1-28, 30 and 31 stand rejected.